

Appl.No. 09/765,751
Amdt. Dated 10/14/2004
Reply to Office Action of 09/03/2004

APP 1277

REMARKS

Applicant appreciates the courtesy of the Examiner in faxing to applicant a corrected version of the Office Action of September 3, 2004 in which claim 37 is objected to as being in dependent form and claims 35, 38-39 and 41 are rejected, 35 USC 103 (a), as unpatentable over Matyas, Jr. patent 6,102,287 in view of Kuroda et al patent 6,421,779.

In response thereto applicant is amending claim 35 to include the subject matter of prior dependent claim 37, thereby rendering claim 35 allowable. Reconsideration and allowance of claim 35, as amended, are therefore requested.

In addition applicant is canceling claim 37, in view of the incorporation of the subject matter of that claim into claim 35, and claims 39 and 41.

Applicant, however, has amended prior dependent claim 38 to be an independent claim including all of the subject matter of its prior parent claim 35 and also to recite applicant's invention more precisely. Claim 38 is directed to that aspect of applicant's invention wherein multiple purchases of the same item, from the same vendor, on the same day may be separately validated due to the step of adding a counter value to the transaction information before the step of electronically performing the message authentication code function. Neither Matyas nor Kuroda et al are concerned with verification of purchase price of purchase transactions so as to ensure that a dishonest vendor has not changed the specific purchase amount and further are not at all concerned with or have any teaching or suggestion that multiple purchases of the same item, from the same vendor, at the same purchase price, and on the same day may be separately validated due to the adding of a counter value to the transaction information included in the secure information sent to the vender and transmitted by the vendor to the verifier.

Accordingly, reconsideration and allowance of claim 38, as amended, are also requested.

In as much as claim 35, as amended, has been deemed allowable and claim 38, as amended, is submitted to be allowable, as discussed above, it is believed that this application is now in condition to be passed to issue, and such action is respectfully requested.

Appl.No. 09/765,751
Amdt. Dated 10/14/2004
Reply to Office Action of 09/03/2004

APP 1277

If the Examiner deems it would in any way expedite the prosecution of this application, he is invited to telephone applicant's attorney at the number set forth below.

Respectfully submitted,

Ernest Cohen

By 

James W. Falk
Attorney for Applicant
Reg. No. 16,154
(732) 699-4465